IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4951 OF 2004

M/s. J. K. Industries Ltd.. ... .Applicant.

Versus

Anil Kagale & otehrs..... ....Respondents.

Mr.A.S.Khandeparkar i/by M/s.B.Amin & Co.,
for the Applicant.

Mr.Siddharth Karpe for Respondent Nos.1 to 3.

Mr. P.S.Hingorani, APP for the State.

CORAM : NARESH H. PATIL, J.

DATED : 28TH JULY, 2006.

P.C.:

Heard learned Counsel appearing for the parties.

2. Perusal of simple copy and Xerox copy of the certified copy of the Roznama shows that the applicant was not serious enough in attending the Court and remained absent number of times. Counsel for the applicant submits that looking to the issues involved in the complaint, leave be granted to file appeal and in case the leave is refused, the applicant would lose right to contest the matter on merits. It was further

submitted by the Counsel for the applicant that even if it is found that the applicant remained absent on some dates, the matter could be considered by directing the applicant to pay adequate costs to the accused so that the issue is thrashed out on merits by holding trial.

3. Considering the rival submissions advanced by the Counsel appearing for the parties and in the facts and circumstances of the case, I am inclined to grant leave to file appeal.

4. Leave to file appeal is granted. This application is, accordingly, allowed.

Sd/-

(NARESH H. PATIL, J.)